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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,240	04/24/2001	Mamoru Miyashita	0879-0311P	3496

2292 7590 02/09/2005

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EXAMINER

CHEVALIER, ROBERT

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,240

Applicant(s)

MIYASHITA, MAMORU

Examiner

Bob Chevalier

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-12, are rejected under 35 U.S.C. 103(a) as being unpatentable over Blazek in view of Official Notice.

Blazek et al discloses an image/audio recording/reproducing apparatus that shows substantially the same limitations recited in claims 1, 5, 7, 11, and 17, including the feature of storing image data captured by an imaging device in a first storage medium (See Blazek et al's Figure 1A, component 30), the feature of obtaining audio data from one of the first storage medium and a second medium (See the audio CD player shown in Blazek et al's Figure 1B, components 53-54), and the feature of recording the obtained audio data when the image data storing device stores image data in the first storage medium as specified in the present claims 1, 5, 7, 11, and 17. (See Blazek et al's Figure 1A, component 30).

Although, Blazek et al discloses the capability of obtaining the audio data from a second medium (See the audio output device shown in Blazek et al's Figure 1B, components 53-54), Blazek et al fails to specifically disclose the feature of obtaining the audio data from a storage medium of a rewritable storage medium as specified in the present claims 1, 5, 7, 11, and 17.

Examiner takes Official Notice in that it is notoriously well known in the audio/video recording/reproducing art to have a rewritable storage medium (such as rewritable audio disk) wherein audio data recorded thereof are being reproduced from said rewritable storage medium and being provided to an output means as specified in the present claims 1, 5, 7, 11, and 17.

It would have been obvious to one skilled in the art to modify the image/audio recording/reproducing apparatus of Blazek et al wherein the audio output device provided thereof (See the CD player shown in Blazek et al's Figure 1B, components 53-54) would incorporate the capability of a rewritable storage medium wherein audio data recorded thereof are being reproduced from a rewritable storage medium and being provided to an output in the same conventional manner as is well known in the prior art. Examiner has taken Official Notice. The motivation is to increase the audio recording density as suggested in the prior art.

With regard to claims 2, 8, and 14, the feature of the image device providing moving image data as specified thereof is present in the proposed combination indicated above. (See Blazek et al's Figure 1A, and 1B).

With regard to claims 3, 9, and 15, the feature of the two mounting parts to which the first storage medium and the second storage medium being attached as specified thereof is present in the proposed combination indicated above. (See Blazek et al's Figure 1A, component 30, and Figure 1B, components 53-54).

With regard to claims 4, 10, and 16, the feature of the second storage medium being built in the camera as specified thereof is present in the proposed combination indicated above. (See Blazek et al's Figure 1B, components 53-54).

With regard to claims 6, 12, and 18, the feature of audio reproducing device that reproduces audio recorded in one of the first storage medium and the second storage medium as specified thereof is present in the proposed combination indicated above. (See Blazek et al's Figure 1A, component 30, and Figure 1B, components 53-54).

With regard to claim 13, the feature of mixing audio data captured by the microphone and the audio data obtained from the audio data obtaining device as specified thereof is present in the proposed combination indicated above. (See Blazek et al's column 3, lines 1-6).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Akamine et al discloses an image/audio recording/reproducing apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 703-305-4780. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier
February 5, 2005.


ROBERT CHEVALIER
PRIMARY EXAMINER